

### **REMARKS/ARGUMENTS**

Claims 20-30 are pending in the application. Claims 20, 24, 25, 27, and 29 have been amended. Support for the claims can be found in the specification as originally filed. For example, exchanging key information is disclosed on page 18, lines 12-13. Performing an authentication process is disclosed on page 18, lines 13-18. Retaining data on the recording medium after transmission of the streaming data is disclosed on page 23, line 16. Deleting the data from the recording medium after transmission of the streaming data is disclosed on page 23, line 6. No new matter has been introduced by virtue of these amendments.

#### **Interview with Examiner**

A telephonic interview with the Examiner was conducted on October 4, 2006. As understood, the Examiner indicated that Applicants' proposed claim amendments would overcome the current cited references, though an updated search would have to be performed. Applicants would like to thank the Examiner and his supervisor for their time..

#### **Claim Objections**

Claims 20, 24-25, 27, and 29 were objected to because of informalities. Claims 20, 24-25, 27, and 29 have been amended to correct these informalities and should now be acceptable.

#### **Section 103 Rejections**

Claims 20-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Traw et al. (U.S. Patent No. 6,542,610) in view of Severt et al. (U.S. Patent No. 5,602,750). These claim rejections are overcome as follows.

#### **The Claimed Invention**

The claimed invention is directed to copy control of streaming data. Independent claims 20, 24, 25, 27, and 29 have been amended to emphasize changing copy control information based on retaining streaming data on a recording medium after transmission of the streaming data or deleting the streaming data from the recording medium after transmission of

the streaming data. Stated differently, the copy control information is changed depending on what happens to the streaming data that was on the recording medium; i.e., whether the streaming data is retained or deleted.

#### The Traw Reference

The Traw reference is directed to a method for protecting digital content from copying and/or other misuse as it is transferred between one or more devices (see, e.g., Abstract).

Traw teaches providing the ability to communicate protected content between devices at varying levels of security (see column 4, lines 14-16). A close review of Traw reveals that Traw mentions "copy control information", but only in the following contexts:

1. In column 9, lines 65-67, Traw is simply disclosing that copy control information is but one kind of many kinds of information in an initialization message sent from the source to a destination; however, there is no discussion of "changing the copy control information" as recited in the independent claims.
2. In column 10, lines 60-67, Traw describes a "marking subsystem", the primary function of which is to determine the protection status of the content which is to be transferred. Again, Traw does not indicate how or under what circumstances the copy control information is changed.

#### The Severt Reference

The Examiner cites the Severt reference for allegedly providing the teaching of deleting data. The Examiner cites column 10, lines 49-56 of the Severt reference.

Severt teaches an administrative computer for obtaining electrical test results. Severt talks about a file manager and its functionality, one of which is to delete data from a file. Severt has nothing to do with streaming data or copy control of streaming data.

In addition, Applicants respectfully assert that the Severt reference does not provide any motivation to combine with the Traw reference. The Severt reference is directed to

a hand-held apparatus for obtaining electrical test results. The Severt reference is not related to the art of stream data recording and playback.

The Combination of References

Traw does not teach how or when copy control information relating to streaming data is updated. Severt teaches deleting data from a file. Neither of these references, separately or in combination, teach or suggest changing copy control information on data at a destination depending on what is done to the data at the source.

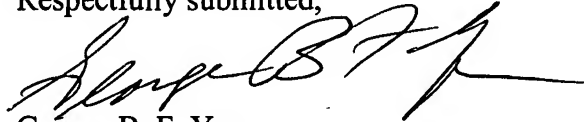
Based upon the failure of the references to teach or suggest the elements of independent claims 20, 24, 25, 27, and 29, it is respectfully asserted that claims 20, 24, 25, 27, and 29, as well as claims 22-23, 26, 28, and 30 depending therefrom, are patentable. The Section 103 rejection of the claims is believed to be overcome.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:cl  
60872123 v1